

Attachment to Independent Case Review Report  
For CDRU # 6269 Case file # 95-248383.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial. Testimony transcript provided.

CRM - 9122

# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 1:00 PM (Time), 11/05/01 (Date)

File #: 95-248383

Laboratory #(s): 20309089

## Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	X	<input type="checkbox"/>	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>UL</u>	<input type="checkbox"/>	X	<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>                    </u>	<input type="checkbox"/>		<u>                    </u>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): Unknown Pages: 69-80

### Laboratory Report(s):

Laboratory Number: 20309089 Date: May 13, 1982

Laboratory Number:                      Date:                     

Laboratory Number:                      Date:                     

Examiner Bench Notes of: RQ and unknown technician

Laboratory Number:                     

Page 1 of 3

Initials: SWR

CRM - 9123

Was any other material reviewed? ☒ Yes

☐ No

If yes, please identify and/or describe the material: submitting agency letter dated 3-8-82

### Results of Review

File #: 95-248383

Item or Specimen # Reviewed: Q1-Q13, Q17-Q23, Q25, K1, K2,

K6, K7

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- ☐ Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
  - 4) Testimony consistent with the bench notes? ☐ Yes ☐ No ☒ Unable to Determine
  - 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

Page 2 of 3

Initials: SM

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-248383

#1: With microscopic hair comparison, one cannot determine from the notes that the examination was conducted in an appropriate manner.

#2: Documentation is poor. The notes are not dated, are in pencil and not ink and abbreviations are used that are difficult to interpret. Some of the recovered hair (from Q5, Q6, Q9, Q20, Q25) are marked "NSFC" (presumably Not Suitable For Comparison) with no documented reason why they are not suitable. The examiner did not report the presence of hair recovered from the Q1 bed spread that did not match victim or suspect.

#4: The notes on item Q25 indicate one hair "=K6(s) =K2(v)", while the report and transcript say this hair matches the suspect (K6). This is probably nothing more than a failure to properly mark the examiner's conclusion.

Review completed at: 2:00 PM (Time), 11/05/01 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1.00 hr.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

*Steve Roberts*  
(Signature)

11/05/2001

(Date)

Page 3 of 3

Initials:

*SR*